

AMENDED IN SENATE JULY 3, 2001

AMENDED IN ASSEMBLY JUNE 4, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1105

Introduced by Assembly Members Simitian and Shelley
(Coauthor: Assembly Member Diaz)

February 23, 2001

An act to repeal and add Section 11465.6 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1105, as amended, Simitian. Child care: foster family homes: child care reimbursement.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including foster family homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds.

Existing law provides that the department establish a program in up to 5 consenting counties under which licensed family homes and relative caregivers would be provided with reimbursement for the cost of licensed child care for each foster child under 13 years of age, if any of specified conditions are met.

This bill would repeal that requirement, and, instead, would, subject to the appropriation of funds and federal approval, require the department, with the advice, assistance, and cooperation of the counties and foster care providers, to develop, implement, and maintain a system

to provide child care assistance under specified circumstances for *statewide* foster children in the care of a licensed family home or relative caregiver receiving payments under the AFDC-FC program.

This bill would make implementation of its provisions contingent upon specified federal financial participation, and upon the provision of funding in the annual Budget Act, or other statute.

Because each county is required to administer the AFDC-FC program, the bill would constitute a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature in enacting this
- 2 act to accomplish all of the following:
- 3 (a) To provide high quality early childhood education and
- 4 schoolage child care programs for children in foster care.
- 5 (b) To provide safe and stable homelike placements for
- 6 children served by the foster care system.
- 7 (c) To recruit and retain high quality foster families, including
- 8 working parents, to ensure an adequate supply of homes for abused
- 9 and neglected children.

1 (d) To avoid costly and often inappropriate placements of
2 children.

3 (e) To reduce the financial barriers for current foster parents in
4 finding high quality child care so that they may attend foster parent
5 training, work outside the home, and participate in activities
6 related to fulfilling their foster caregiving responsibilities.

7 (f) To support counties in their responsibility to meet the needs
8 of foster children in a manner that recognizes county
9 circumstances and conforms with uniform statewide standards.

10 SEC. 2. The Legislature finds and declares all of the
11 following:

12 (a) Child care in a high quality setting can provide children with
13 experiences that enhance their social, emotional, and behavioral
14 development and improve school readiness, and successful
15 transition into elementary school.

16 (b) Foster children and their foster families should be provided
17 with the resources and support necessary to ensure optimal growth
18 and development in a cost-effective manner.

19 (c) By providing child care to foster families, this act provides
20 offsetting savings to the state and counties based on the following:

21 (1) Reduced utilization of emergency shelter placement.

22 (2) Reduced use of inappropriate foster family agencies and
23 group home placements.

24 (3) Reduced social work activity due to fewer disrupted
25 placements.

26 (4) Increased federal financial participation in the cost of child
27 care for children in foster care.

28 SEC. 3. Section 11465.6 of the Welfare and Institutions Code
29 is repealed.

30 SEC. 4. Section 11465.6 is added to the Welfare and
31 Institutions Code, to read:

32 11465.6. (a) The department, with the advice, assistance, and
33 cooperation of the counties and foster care providers, shall
34 develop, implement, and maintain a statewide system to provide
35 child care assistance to eligible foster care providers, defined as
36 licensed foster family homes or relative caregivers receiving
37 AFDC-Foster Care payments under this chapter. Child care
38 assistance may include reimbursement of child care expenses
39 incurred by the eligible foster care provider, or direct payment to
40 the child care provider.

(b) Child care assistance shall be available for the cost of licensed child care for each foster child in the care of the eligible foster care provider during the period that any of the following apply:

(1) The foster parent or relative caregiver is working outside the home.

(2) The foster parent or relative caregiver is participating in foster parent training.

(3) The foster parent or relative caregiver is fulfilling necessary foster care related administrative duties, such as attending conferences and judicial reviews.

(c) ~~Child~~ *At a minimum, child* care assistance shall be available statewide to eligible foster care providers for actual child care expenses up to one-half of the regional market rate established pursuant to Section 8447 of the Education Code. The nonfederal share of the cost of child care assistance shall be paid by the state.

~~(d)~~

(d) Counties may submit a plan for approval to the department describing the extent to which child care expenses above the minimum baseline established in subdivision (c) shall be paid. The level of payment shall be determined based upon statewide standards developed by the department, and may include, but shall not be limited to, the following components:

(1) Whether a county is urban or rural.

(2) The average cost of living in the county.

(3) The average cost of child care in the county compared to the statewide average cost of care.

(4) The existence of a shortage of licensed foster carehomes to serve children in the county.

(e) Counties that submit a plan pursuant to subdivision (d) shall be authorized to pay child care expenses up to the regional market rates established pursuant to Section 8447 of the Education Code. Upon approval of the plan by the department, the nonfederal share of cost for child care shall be shared by the state and county, consistent with existing cost-sharing ratios in the foster care program, pursuant to subdivision (c) of Section 15200.

(f) Child care assistance shall be available only to reimburse or pay the cost of care provided by a licensed child care provider.

~~(e)~~

1 (g) The need for child care and the plan for providing care shall
2 be documented in the child's case plan.

3 ~~(f)~~

4 (h) On an annual basis, each county shall report information to
5 the department. The information to be reported shall be
6 determined by the department in consultation with the County
7 Welfare Directors Association and shall include, at a minimum, all
8 of the following:

9 (1) The number of foster parents for whom child care
10 assistance was paid pursuant to this section.

11 (2) The number of foster children served.

12 (3) Any other information as may be necessary to determine the
13 effect of child care assistance provided under this section on the
14 ability of counties to recruit and retain foster parents.

15 ~~(g)~~

16 (i) (1) Implementation of this section, *in whole or in part*, shall
17 be contingent upon receipt of federal financial participation and an
18 appropriation in the Budget Act or other statute. If any federal
19 approvals are necessary, the department shall, by February 1,
20 2002, submit an amendment to the state plan under Part E
21 (commencing with Section 670) of Title 4 of Chapter 7 of Title 42
22 of the United States Code, to the United States Department of
23 Health and Human Services.

24 (2) Although this section shall not be implemented unless
25 federal financial participation is received in accordance with
26 paragraph (1), if this section is implemented, its application, in
27 whole or in part, shall not be limited to persons for whom federal
28 financial participation is available.

29 ~~(3) Notwithstanding subdivision (c), in any year in which~~
30 ~~insufficient funds are appropriated to serve all eligible foster care~~
31 ~~providers and children, priority shall be given to children who are~~
32 ~~under seven years of age. Only 25 percent of the cost of child care~~
33 ~~shall be reimbursed, with any nonfederal cost paid by the state.~~

34 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
35 ~~Section 6 of Article XIII B of the California Constitution because~~
36 ~~this act provides for offsetting savings to local agencies or school~~
37 ~~districts that result in no net costs to the local agencies or school~~
38 ~~districts, within the meaning of Section 17556 of the Government~~
39 ~~Code.~~

1 *SEC. 5. Notwithstanding Section 17610 of the Government*
2 *Code, if the Commission on State Mandates determines that this*
3 *act contains costs mandated by the state, reimbursement to local*
4 *agencies and school districts for those costs shall be made*
5 *pursuant to Part 7 (commencing with Section 17500) of Division*
6 *4 of Title 2 of the Government Code. If the statewide cost of the*
7 *claim for reimbursement does not exceed one million dollars*
8 *(\$1,000,000), reimbursement shall be made from the State*
9 *Mandates Claims Fund.*

